

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

TIMOTHY JOHN LUKE,  
Petitioner,  
VS.

NATHANIEL QUARTERMAN, Director,  
T.D.C.J., Correctional  
Institutions Div.,  
Respondent.

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§ CIVIL ACTION NO. 4:07-CV-468-Y  
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ORDER ADOPTING MAGISTRATE JUDGE'S FINDINGS AND CONCLUSIONS

Before the Court is the petition for writ of habeas corpus under 28 U.S.C. § 2254 of petitioner Timothy John Luke, along with the January 10, 2008, findings, conclusions, and recommendation of the United States magistrate judge. The magistrate judge gave the parties until January 31, 2008, to file written objections to the findings, conclusions, and recommendation. As of the date of this order, no written objections have been filed.

The Court has reviewed the pleadings and the record in this case and has reviewed for clear error the proposed findings, conclusions, and recommendation of the United States magistrate judge filed on January 10, 2008. The Court concludes that the petition for writ of habeas corpus should be dismissed with prejudice for the reasons stated in the magistrate judge's findings and conclusions.

Therefore the findings, conclusions and recommendation of the magistrate judge are ADOPTED.

The respondent's motion for summary judgment [docket no. 6] is GRANTED.

Petitioner Timothy John Luke's petition for writ of habeas corpus is DISMISSED WITH PREJUDICE.

SIGNED February 12, 2008.

  
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TERRY R. MEANS  
UNITED STATES DISTRICT JUDGE